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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

DONIEL MURPHY,

Defendant and Appellant.

A144666

(Solano County
Super. Ct. No. FCR307170)

Appellant Doniel Murphy pleaded no contest in July 2014 to possessing a controlled substance (heroin and marijuana) while in prison. (Pen. Code, § 4573.6.) He was sentenced under a plea agreement to the lower term of two years in prison, to be served consecutively with the prison term he already was serving. Several months later, in March 2015, Murphy petitioned under Proposition 47, an initiative that reduced penalties for some crimes, to have the conviction reduced to a misdemeanor. (§ 1170.18, subd. (b).) The trial court denied the petition, concluding that Proposition 47 does not apply to convictions under section 4573.6.

Murphy appealed from the order denying his Proposition 47 petition, and his counsel has asked this court for an independent review of the record to determine whether there are any arguable issues. (*People v. Wende* (1979) 25 Cal.3d 436.) Murphy did not file a supplemental brief after being notified he could do so.

We find no arguable issues. The trial court correctly concluded that section 4573.6 is not listed as eligible for reduction to a misdemeanor under Proposition 47. (Pen. Code. § 1170.18, subd. (a).)

The trial court's order is affirmed.

Humes, P.J.

We concur:

Margulies, J.

Banke, J.